

December 11, 2009

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



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The following constitutes

the order of the court. Signed December 11, 2009

Marilyn Morgan
 U.S. Bankruptcy Judge

Attorneys for US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR WFMBS 2004-W

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

In re

TED B ZANELLA AND ANALISA
 ZANELLA,

Case No. 09-54416-MM

Chapter 13

R.S. No. KLJ-463

ORDER GRANTING MOTION FOR
 RELIEF FROM AUTOMATIC STAY

DATE: October 28, 2009

TIME: 3:00 PM

CTRM: 3070

Northern District of California - San Jose
 Division

United States Bankruptcy Court

280 S 1st St. #3035

San Jose, CA 95113-3004

Debtor(s).

The above-captioned matter came on for hearing on October 28, 2009, at 3:00 PM, in Courtroom 3070, upon the Motion of US Bank National Association, as Trustee for WFMBS 2004-W ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Ted B Zanella and Analisa Zanella ("Debtors") commonly known as 1962 Two Iron Court, Fernley, Nevada 89408 (the "Real Property"), which is legally described as follows:

1 LOT 694, AS SHOWN ON THE FINAL PLAT OF DESERT
2 LAKES SUBDIVISION, RECORDED IN THE OFFICIAL
3 RECORDS OF LYON COUNTY, NEVADA ON JANUARY 4,
4 1996 AS DOCUMENT NO. 188868, AND AMENDED BY
5 CERTIFICATE OF AMENDMENT, RECORDED ON JUNE 14,
6 1996 AS DOCUMENT NO. 194392.

7 APN: 20-545-05

8 Appearances as noted on the record.

9 Based on the arguments of counsel, and good cause appearing therefor,

10 IT IS HEREBY ORDERED:

11 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
12 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

13 2. Movant is authorized to foreclose its security interest in the Real Property under
14 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

15 3. The 10-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

16 4. Post-petition attorney's fees and costs for the within motion may be added to the
17 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

18 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
19 may proceed in State Court for unlawful detainer pursuant to applicable state law;

20 6. Upon entry of this Order, the Chapter 13 Trustee shall cease making payments in
21 regard to Movant's claim filed in this bankruptcy case;

22 7. Movant may offer and provide Debtors with information re: a potential
23 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
24 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
25 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
26 liability is discharged in this bankruptcy case; and

27 8. This Order shall be binding and effective despite any conversion of this
28 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

** END OF ORDER **

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